

Appl. No. 09/833,934
Amdt. dated May 13, 2005
Reply to Office Action of November 15, 2004

REMARKS/ARGUMENTS

Claims 1 - 10 are in the application for consideration.

1. Claims 2 - 5 and 7 - 10 have been objected to as containing allowable subject matter but being dependent on a rejected base claim.

Imaging method claim 2, which was dependent upon claim 1, has been rewritten in independent form and now includes the subject matter recited in claim 1. Also, apparatus claim 7 which was dependent upon claim 6, has been rewritten in independent form and now includes the subject matter recited in claim 6.

Accordingly, claims 2 - 5 and 7 - 10 have been placed in condition for allowance.

2. Claims 1 and 6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,240,217 B1 ("Ercan et al.") in view of U.S. Patent 6,396,539 B1 ("Heller et al.").

Applicants traverse this ground of rejection. Applicants' claimed method and apparatus are directed to recovering missing color data in a two-dimensional color array. The references, viewed individually or in combination, do not teach or in any way suggest within

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the meaning of Section 103 a method or apparatus for electronically capturing and processing image information which involves the application of two one-dimensional non-linear interpolation processes.

Applicants have responded to this ground of rejection previously during prosecution and continue to rely on the arguments made in the papers filed July 9, 2003, and March 10, 2004 and in the Appeal Brief filed July 22, 2004.

The examiner has now asserted a number of interpretations with respect to the disclosures of the references in an attempt to support the rejection. These interpretations of the disclosures of the references do not place the rejection on a sound basis.

Ercan et al., simply stated, does not relate in any way to the method and apparatus of applicants for recovering missing color data in a two-dimensional color array involving the application of two one-dimensional non-linear interpolation processes.

The examiner has referred to Fig. 4 of Ercan et al. and has stated that it illustrates one dimension as intensity and the other dimension as a number of pixels and, further, alleged that the present claims do not specify the type of dimensions. The disclosure of Fig. 4 of Ercan et al. must be considered in the overall

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context of the teaching of that reference which, as pointed out above, does not in any way relate to recovering missing color data in a two-dimensional color array.

It should be noted that the term "two dimensional array" as used in the present claims modifies "discrete image sensing elements". Thus, the meaning of the term "dimension" as it modifies the "discrete image sensing elements" cannot be interpreted to encompass intensity level, etc. as alleged by the examiner.

The examiner has referred to Heller et al. as teaching that compensation pixel values are generated by examining the pixel values of pixels surrounding defective pixels. This is correct with respect to one embodiment of Heller et al. However, this teaching must be viewed in the overall context of the disclosure of that reference.

Heller et al., in both of the embodiments described therein uses linear filters and does not teach or in any way suggest the use of non-linear filters as are used in the method and apparatus of applicants. Applicants' method involves the use of second color data and non-linear filters and the method of Heller et al. does not.

It should also be recognized that applicants' method involves the application of two one-dimensional

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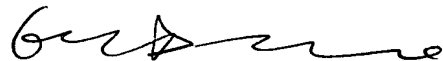
non-linear interpolation processes and neither of the references uses the application of such processes.

It is readily apparent that the teachings of these references do not properly support the prior art rejection applied against claims 1 and 6.

Reconsideration of this ground of rejection and withdrawal thereof are respectfully requested.

In summary, it has been shown that all the claims are in condition for allowance. Reconsideration of the application and allowance of the claims are respectfully requested.

Respectfully submitted,



Gaetano D. Maccarone
Registration No. 25,173


Polaroid Corporation
Patent Department
1265 Main Street
Waltham, MA 02451
Tel.: 781-386-6405
Fax: 781-386-6435

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: May 13, 2005



Gaetano D. Maccarone
Registration No. 25,173